

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. CR-99-50015-001

Case No. CV-00-5167

JOE LOUIS MENDOZA

DEFENDANT

O R D E R

Now on this 8th day of May, 2006, comes on for consideration defendant's **Motion To Preserve Rights** (document #53), where he purports to extend the time when he might someday be able to file a petition pursuant to **28 U.S.C. §2255** until the point when the Supreme Court decision in **U.S. v. Booker**, **543 U.S. 220 (2005)** is made retroactive.

This document is not, in the Court's view, a proper motion, inasmuch as it does not seek action by the Court, and the Court will, therefore, deny it as **moot**.

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
**JIMM LARRY HENDREN**  
**UNITED STATES DISTRICT JUDGE**